

# Rule-Making Fact Sheet

(5 MRS §8057-A)

AGENCY: Agriculture, Conservation and Forestry

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CHAPTER NUMBER AND RULE TITLE: Chapter 270 Maine Apiary Rules and Regulations

STATUTORY AUTHORITY: 7 MRS §§ 2701-2872

DATE, TIME AND PLACE OF PUBLIC HEARINGS: 5-7pm Monday April 29, 2019 at Cumberland County Cooperative Extension Office, 75 Clearwater Dr. #104, Falmouth, ME 04105  
and  
5-7pm Thursday May 2, 2019 at Maine DOT Region 4, Blue Building, 219 Hogan Road, Bangor, ME 04401

COMMENT DEADLINE: Monday May 13, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The purpose of the Apiary Program is to prevent the introduction and/or spread of regulated honey bee diseases, parasites, and undesirable genetic material in resident and migratory honey bee colonies, as well as encourage and maintain interstate movement of honey bees for crop pollination and honey production. Proposed changes to the current rules include:

1. Defining and clarifying terms within the rules.
2. Deregulate well established pests that are currently regulated, including the varroa mite and European foulbrood.
3. Adding pests and diseases of honey bees to the regulated pest list that do not currently exist in the United States but have the potential to be very harmful to the State of Maine Beekeeping industry.
4. Clarify areas of the current rule that are unclear and/or burdensome to beekeepers including the follow sections:
  - a. Regulation
  - b. Possession and Sale
  - c. Abatement Procedures
  - d. Inspection
5. Increase the apiary registration fee. The current fee schedule was first adopted in 1985 and has never been increased.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?     YES     [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

The purpose of the Apiary Program is to prevent the introduction and/or spread of regulated honey bee diseases, parasites, and undesirable genetic material in resident and migratory honey bee colonies, as well as encourage and maintain interstate movement of honey bees for crop pollination and honey production. This rule amendment will improve the efficacy of the program and allow for continued funding of the inspection and extension services.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]**

Without an increase in fees the apiary program will not be able to continue providing all the services described above. The registration and import fees collected from beekeepers are allocated for the hiring of a part time assistant inspector for the beekeeping season which runs from mid-April through mid-October. The current fee schedule was first adopted in 1985 and has never been increased. In 2017, we collected approximately \$4100 from the migratory beekeepers and \$4200 from the resident beekeepers before the costs of postage, paper, and processing were assessed. Most (87%) of the resident beekeepers have 5 or fewer hives and pay a \$2 fee. After accounting for processing, postage for the renewal letter and the license, and cardstock for the license, less than 50 cents is left. A part time assistant inspector costs between \$8,000 and \$10,000 for the 6-month beekeeping season. Without an increase in the current fee schedule the Apiary Program will not be able to hire an assistant inspector in the future. Without an assistant, the number of hives inspected would be fewer, especially the very important migratory hives that are essential for blueberry crop pollination. Other services provided by the program will also be reduced. Often, the apiary program is needed in different areas of Maine during the same time frame. For example, in May and June the migratory beekeepers are in Maine for pollination and need to be inspected. During the same time frame, nucs and packages are entering the state to be sold to beekeepers and need inspection. Having an assistant means that we can split our efforts and complete both sets of inspections. Without an inspector, one of these duties would not be completed.

**ESTIMATED FISCAL IMPACT OF THE RULE:** [see §8057-A(1)(C)]

The fiscal impact on state government will be positive. The fee increase will provide the necessary funds to continue the inspection and extension programs. The fiscal impact on the majority of beekeepers will be negligible (\$8.00/year increase). Commercial operations will only see a maximum fee increase of \$50/year. Neither of those fee increases should be a large burden on the beekeeping industry nor should it cascade into higher honey or hive rental prices.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

**ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:**  
[see §8057-A(2)(A)]

**INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:** [see §8057-A(2)(B)]

**BENEFITS OF THE RULE:** [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used.*